



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MYRLE APARTMENTS, LLC,

Petitioner,

v.

BRUCE COLLVER, LAUREN COLLVER,  
PATSY WATT, and DOES 1 through  
25, Inclusive,

Respondent.

Case No. CV 14-01661 UA

**ORDER SUMMARILY REMANDING**

**IMPROPERLY-REMOVED ACTION**

The Court will remand this unlawful detainer action to state court summarily because Defendant removed it improperly. Defendant Bruce Collver, Lauren Collver, Patsy Watt, and Does 1 through 25, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal and also presented an application to proceed in forma pauperis. The Court has denied the latter application under separate cover because the action was not properly removed.

1 To prevent the action from remaining in jurisdictional  
2 limbo, the Court issues this Order to remand the action.

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4 Simply stated, this action could not have been originally  
5 filed in federal court because the complaint does not allege  
6 facts supporting either diversity or federal-question  
7 jurisdiction, and therefore removal is improper. 28 U.S.C.  
8 § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545  
9 U.S. 546, 563 (2005). Defendant's notice of removal only asserts  
10 that removal is proper based upon federal question jurisdiction.  
11 (Notice at 1, 4). However, a review of the Notice reveals that  
12 if any federal question exists, it exists only as an affirmative  
13 defense. (Notice at 2-5). Accordingly, the action cannot be  
14 removed to federal court. Merrell Dow Pharmaceuticals, Inc. v.  
15 Thompson, 478 U.S. 804, 808 (1986) ("[a] defense that raises a  
16 federal question is inadequate to confer federal jurisdiction.").

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1 Accordingly, IT IS ORDERED that (1) this matter be REMANDED  
2 to the Superior Court of California, County Of Los Angeles, 275  
3 Magnolia Ave, Long Beach, CA 90802, for lack of subject matter  
4 jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk  
5 send a certified copy of this Order to the state court; and (3)  
6 that the Clerk serve copies of this Order on the parties.

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8 IT IS SO ORDERED

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10 DATED: April 4, 2014

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13 GEORGE H. KING  
14 CHIEF UNITED STATES DISTRICT JUDGE  
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